

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

K2M DESIGN, INC. c/o Scott Maloney, CEO,

Plaintiff,

-against-

SCHMIDT CONSULTING GROUP, INC., PETER  
K. SCHMIDT, GENE LIM, FILMWEST  
GLOBAL, and PARTNERSHIP, LLC,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/1/2023

1:22-cv-03069 (MKV)

**ORDER**

MARY KAY VYSKOCIL, United States District Judge:

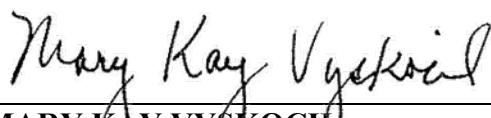
The Court held a telephone conference with the parties on August 1, 2023. As discussed at that conference, the motion to compel—which was filed on July 13, 2023—is DENIED as grossly untimely. [ECF No. 88.] Discovery closed in March, [see ECF No. 55], and Plaintiff affirmatively represented to the Court that there were no outstanding issues on May 2, 2023 [ECF No. 60]. This Court's Individual Rules and the Civil Case Management Plan make clear that parties must *timely* raise discovery disputes. See Rule 3.D; CMP [ECF No. 32]. Plaintiff failed to so. Moreover, the motion does not comply with Individual Rule 4.A.i, which requires parties to file a pre-motion letter before moving for sanctions.

As the Court noted on the telephone conference, any documents that were not timely produced during discovery may not be offered in summary judgment motion practice or at trial.

The Clerk of Court is respectfully requested to terminate ECF No. 88.

**SO ORDERED.**

**Date: August 1, 2023  
New York, NY**

  
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**MARY KAY VYSKOCIL**  
United States District Judge